

19 OCT 1976

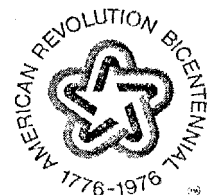
Honorable James T. Lynn, Director
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

This is in response to the letter of 6 August 1976, from your General Counsel, requesting my comments on the proposed Executive Order entitled "Suitability Requirements for Government Employment." A careful review of the draft Order has led me to conclude that its standards and procedures do not afford adequate protection to the Government's sensitive foreign intelligence information or activities.

In light of my statutory and executive responsibilities to protect intelligence sources and methods and analytical procedures, it is of deep concern to me that only those persons of the highest degree of loyalty and trustworthiness be granted access to foreign intelligence data requiring protection. The minimum personnel security standards and procedures governing access to Sensitive Compartmented Information are contained in Director of Central Intelligence Directive No. 1/14, which was issued pursuant to Executive Order 11905, Section 102 of the National Security Act of 1947, and National Security Council Directives. DCID No. 1/14 applies to all Government personnel and private individuals requiring access to such information.

The proposed Order strikes at the heart of the process of protecting sensitive Government information and by its broad terms clearly encompasses standards and procedures of crucial importance to the Intelligence Community. The investigative procedures and the standards whereby, under this draft Executive Order, an individual would be granted clearances for access to sensitive information including intelligence sources and methods, fall far short of those which I deem necessary in light of my statutory and executive responsibilities. Furthermore, I am concerned that the provisions of the proposed Order related to purported rights of employees or applicants could be construed to conflict with my termination authority under Section 102(c).



of the National Security Act of 1947, as amended. This authority vested in the Director of Central Intelligence reflects the necessity that he retain flexibility and discretion in protecting sensitive intelligence information and those positions involving access thereto.

In view of the basic differences between the proposed Order and the responsibilities of the Director of Central Intelligence, therefore, I have concluded that the limited exemption provided the Central Intelligence Agency, the National Security Agency, and the Federal Bureau of Investigation, in Section 3(b) of the draft Order, must be expanded in order to remove from the terms thereof the Director of Central Intelligence and the Intelligence Community. Section 4 of the draft Order also must be amended to make clear that neither the Director of Central Intelligence nor any of the organizations of the Intelligence Community, are required to accept or certify security clearances granted by other Government agencies or departments pursuant to this Order. I am enclosing with this letter amendatory language to accomplish these purposes.

I fully recognize that amending this Order as noted above would result in two standards for granting security clearances in the Government. This burden, however, involving as it would some degree of duplication and added expense, in my view is absolutely necessary if the terms of this draft Order are implemented in their present form.

My decision in this matter was made only after concerted effort to accommodate the requirements of the Central Intelligence Agency and the Intelligence Community to the terms of this draft Order. The many and substantial differences, however, dictate that this would not be possible absent a redrafting of the Order to reflect fully the interests of all agencies and departments affected; representatives of the CIA and the Intelligence Community Staff were not consulted in the earlier drafting deliberations. It is my view that the longer term interests of the Government would best be served if every effort is made to develop suitability and security requirements that are uniform and acceptable to all agencies and departments, including the Intelligence Community. I stand ready to assist in such an effort.

Sincerely,

/s/ George Bush

George Bush
Director

Enclosure

ENCLOSURE

PROPOSED AMENDMENTS TO THE DRAFT EXECUTIVE ORDER,
"SUITABILITY REQUIREMENTS FOR GOVERNMENT SERVICE,"
SUBMITTED BY THE DIRECTOR OF CENTRAL INTELLIGENCE

1. Amend Section 3(b) by substituting the following for the last sentence thereof: "This Order shall not apply to the Director of Central Intelligence or the organizations constituting the Intelligence Community as defined by Executive Order 11905."
2. Amend Section 4 by adding the following sentence at the end thereof: "Nothing in this Order shall require that the Director of Central Intelligence or any of the organizations exempt from this Order by Section 3(b) accept or certify security clearances granted pursuant to this Order."